

Chapter 17.13

LAND USE AND DEVELOPMENT REVIEW PROCEDURES

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17.13.010 Purpose and Applicability.

- A. The purpose of this chapter is to establish standard procedures for land use and development permit decisions. The procedures are designed to:
 - 1. Promote timely and informed public participation;
 - 2. Eliminate redundancies, minimize delays, and adhere to the standards of RCW 36.70B; and
 - 3. Consolidate procedural and substantive land use and environmental review processes.
- B. The provisions of this chapter apply all land use decisions and development permits. Where conflicts exist with procedural requirements in other sections of the Mukilteo Municipal Code, this chapter shall govern.

17.13.020 Types of land use decisions.

- A. Classification system. Four types of review are established for permit and project processing:
 - 1. Type I: Clerical. Categorically exempt from SEPA and subject to clear and objective standards.
 - 2. Type II: Administrative. Projects subject to SEPA or subject to a combination of objective and subjective standards.
 - 3. Type III: Quasi-judicial. Projects of a scale or complexity that warrant a public hearing.
 - 4. Type IV: Legislative. Policy and regulatory decisions with widespread impacts.
- B. Unlisted permits. If a review type is not identified for a particular permit, the director shall determine the proper procedure by determining which procedure the permit most closely resembles. Where there is a question as to the appropriate classification, the director shall resolve the question in favor of the higher procedure and type number.
- C. Consolidated Review. An application that involves two or more permit types may be processed collectively under the highest numbered procedure required for any part of the application or processed individually. If the application components are processed individually, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure. When multiple applications are submitted concurrently, the city will process them as a consolidated application unless otherwise notified by the applicant. Project permit applications are allowed a maximum of one open record hearing and one closed record appeal hearing.

D. Permit Types

Type I: Clerical	Type II: Administrative	Type III: Quasi-judicial	Type IV: Legislative
Accessory Dwelling Units	Any Type I actions subject to SEPA review	Abatement Actions	Annexation
Administrative Interpretations	Binding Site Plans	Appeals	Code Amendments
Application extensions (excluding plats)	Code enforcement	Conditional Uses	Comprehensive Plan Amendments
Building permits	Code interpretations	Essential Public Facilities	Development Agreement
Clearing and Grading Permits	Fence modifications	Preliminary Plats	Rezones
Final Plats/Final Short Plats	Minor modifications	Plat alterations and extensions	Sector Plan Amendments
Historic register applications	Noise Variances	Reasonable Uses > 50% disturbance	
Inspections	Reasonable Uses < 50% disturbance	Variances (excluding noise)	
Lot line adjustments	SEPA Determinations		
Right of Way Permits	Short Plats		
Shoreline Exemptions	Shoreline Substantial Development		
Stormwater Permits	Wireless Communication Facilities and Small Cell Wireless		
Temporary uses			
Tree or vegetation removal			
Wireless Eligible Facility Requests			

17.13.030 Overview of Permit Review Process.

	Type I	Type II	Type III	Type IV
Pre-application meeting	No	Optional, but encouraged		
Notice of completeness	Yes ¹	Yes	Yes	Yes
Notice of application	No ¹	Yes	Yes	Yes ⁹

SEPA determination	No	Varies ²	Varies ²	Varies ²
Open record public hearing	No	No	Yes	Yes
Notice of hearing	N/A	N/A	Yes	Yes
Recommendation made by	N/A	N/A	Director	Planning Commission
Decision made by	Director	Director	Hearing Examiner	City Council
Decision timeline ⁶	65 days ⁷	100 days	170 days ⁸	None
Notice of decision	No ¹	Yes	Yes	No
Administrative appeal to	Hearing Examiner	Hearing Examiner or Shorelines Hearings Board ³	Shorelines Hearings Board ³	N/A
Judicial Appeal to	Superior Court	Superior Court	Superior Court	Superior Court ⁴ or Growth Management Hearings Board ⁵

Footnotes for table:

1. Exempt from the noticing requirements of RCW 36.70B.060 and 36.70B.110 – 130 as authorized by RCW 36.70B.140(2). While these permits do not typically receive a written determination of completeness, the default completion standard on 29th day after submittal still applies.
2. No SEPA determination if categorically exempt under Chapter 17.84.
3. Appeals of shoreline permits must be filed with the Shoreline Hearings Board within 21 days pursuant to Chapter [90.58](#) RCW. Appeals of Type III permits for non-shoreline permits go direct to Superior Court.
4. For site-specific rezones and street vacations.
5. For text amendments to development regulations or Comprehensive Plan and non-site-specific land use or zoning map amendments.
6. Any applicant-initiated suspensions or periods of nonresponsiveness greater than 60 days add 30 days to the acceptable timeline for review. Substantial project revisions restart the review timeline to the date the revised project application was determined complete. Timeline is calculated from the determination of completeness to the date a final decision is made excluding:
 - Any period between the date a written request for additional information is sent and the date sufficient responsive information is resubmitted.
 - Any period where the applicant requests suspension of review or the city an applicant otherwise agree to a waiver of the clock.
 - Any period during which an environmental impact statement (EIS) is being prepared.
 - Any period from appeal filing to resolution.
7. Preliminary plats must be approved, disapproved, or returned to the applicant within 90 days from the date of filing a complete application, unless the applicant consents to an extension. Final plat and final short plat approvals must be approved, disapproved, or returned to the applicant within 30 days

from the date of filing a complete application, unless the applicant consents to an extension. Wireless Eligible Facility Requests must be approved or disapproved within 60 days.

8. Timeline not applicable to essential public facilities.
9. Publication as a discussion or review item on an agenda for a public meeting is considered notice.

17.13.040 Pre-Application Meetings

- A. Optional. Pre-application meetings are strongly encouraged but not required.
- B. Request. Any person may request a pre-application meeting by submitting a request form prepared by the department and including required supplemental materials. At a minimum, the applicant shall provide a draft site plan, project narrative, and list of questions.
- C. Content. Pre-application meetings are scheduled with representatives of multiple city departments. Representatives from the applicable water and wastewater districts are also invited to attend. The goal of the meeting is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can efficiently and effectively provide the applicant with feedback on applicable requirements and necessary permits/submittal materials to proceed through the formal review process.
- D. Limitations. It is impossible for the meeting to be an exhaustive review of all potential issues. The discussions at the conference do not bind or prohibit the city's future application or enforcement of all applicable laws. Review of a project proposal at a preapplication meeting not vest a project. Vesting only occurs at the time a formal application is determined complete.

17.13.050 Determination of Completeness

- A. Submittal requirements. A permit application is complete for purposes of this section when it contains all items on the relevant submittal checklist provided by the department on the city's website or application portal together with the appropriate fees as established by city council resolution. The director. To be determined complete, submittal materials must be in a comprehensible format with adequate information to allow review of the project to progress.
- B. Timeline. Within 28 calendar days of receiving an initial land use development permit application (or within 14 calendar days of resubmittal in response to a determination of incompleteness), the city must provide a written determination to the applicant that states either:
 1. The application is complete; or
 2. The application is incomplete and what additional information is necessary to make the application complete.
- C. Default determination. If the city fails to provide a written determination within 28 calendar days, the permit application shall be deemed complete by default. A determination of completeness (whether written or by default) does not preclude the city from requesting additional information or studies or requiring project modifications.
- D. Incomplete Applications. Applicants have 90 days from a determination of incompleteness to submit the necessary information. The director may grant up to two 90-day extensions. Failure to resubmit within 90 days (or extended timeline), will cause the application to lapse and the permit file will be closed.

17.13.060 Project Review

- A. Consistency Review. City staff will review each application to determine whether the proposed project is consistent with the applicable development regulations – including the types of uses proposed, bulk and dimension standards, adequacy of infrastructure, and criteria specific to the type

of permit or project being proposed. In the absence of applicable development regulations, the appropriate elements of the comprehensive plan will be used to evaluate the project.

- B. Environmental Review. Land use development permit applications must be reviewed for compliance with the State Environmental Policy Act, including Chapter 43.21C RCW, Chapter 197-11 WAC, and Chapter 17.84 of the Mukilteo Municipal Code. If the city's policies and regulations adequately address a project's probable specific adverse environmental impacts, no additional mitigation may be assigned under SEPA.
- C. Documentation. Key findings of the project review will be captured in the notice of decision or ordinance. For permits that don't require a notice of decision, staff will put notes in the file as needed to how the application was consistent/inconsistent with applicable development regulations and standards.
- D. Insufficient Information. The city's determination of completeness shall not preclude the city from requesting additional information or corrections either at the time of the determination of completeness or at some later time as necessary to demonstrate the project is consistent with city codes and regulations. Requests for corrections or additional information shall be made in writing. Applicants have 90 days from the written request to submit the necessary information or corrections. The director may grant up to two 90-day extensions. Failure to resubmit within 90 days (or extended timeline), will cause the application to lapse and the permit file will be closed.

17.13.070 Required Notices

A. Notice of Application.

- 1. Timing. A notice of application must be issued within 14 calendar days of the determination of completeness and in no case fewer than 15 days before an open record hearing.
- 2. Contents. A notice of application must include:
 - a. Date of submittal, determination of completeness, notice of application, and public hearing (if applicable and already scheduled);
 - b. A description of the proposal and permits included in the application;
 - c. Identification of other permits likely to be needed and existing environmental documents, to the extent known;
 - d. Where the application materials can be reviewed;
 - e. Timing for the public comment period;
 - f. Instructions and rights for commenting, becoming a party of record, and appeals; and
 - g. If using the optional DNS process, a statement that the optional DNS process is being used and that this may be the only opportunity to comment on the environmental impacts of the proposal.
- 3. Public comments. The comment period shall be 14 days following the date of notice of application, except for shoreline permits which shall have a comment period of 30 days. Comments received by the department by 4:30 p.m. on the last day of the comment period will be considered timely. The city may accept public comments at any time prior to the close of the open record public hearing, or if there is no public hearing, prior to the decision on the project permit.

B. Notice of Public Hearing.

- 1. Timing. A notice of notice of public hearing must be issued at least 10 days before the hearing.
- 2. Contents. A notice of public hearing must include:

- a. The date of the application or date the proposal was discussed at a public meeting;
- b. A description of the proposed action;
- c. Time and location of the hearing; and
- d. Opportunities and methods for public participation, or a statement that there are none.

C. Notice of SEPA Determination

1. Timing. Except when using the optional DNS process or issuing a determination of significance, threshold determinations must be issued the end of the public comment period on the notice of application and in no case fewer than 15 days before an open record hearing.
2. Contents. A SEPA determination shall be consistent with the requirements of MMC Chapter 17.84, SEPA Rules, and Ecology guidance.

D. Notice of Decision

1. Timing. A notice of decision must be issued within 10 calendar days of the decision.
2. Contents. A notice of decision must include:
 - a. The final determination of approval or denial of the project
 - b. A statement of any threshold determination made under SEPA
 - c. The procedure to appeal the decision, if an appeal is available; and
 - d. A statement that property owners may request a change in valuation for property tax purposes.

E. General provisions. For notices not outlined above, the director shall determine appropriate timing and contents. No proceeding shall be invalid due to minor notice deficiencies if there was a good faith attempt to comply with the requirements of this section.

F. Distribution of notices.

	Post on Site	Post on City Website	Mail to Owners Within 300'	Email to Agency Contacts	Email to Parties of Record	Post at Official Posting Places	Publish in Newspaper of Record
Notice of Application	Site-specific proposals only	X	Site-specific proposals only	X			City-wide proposals only
SEPA Determination	Site-specific proposals only	X		DOE Only	X		
Notice of Public Hearing	Site-specific proposals only	X			X	X	X
Notice of Decision		X		Assessor Only	X		

17.13.080 Public Hearings

- A. Number and types of hearings for project permits. The Regulatory Reform Act, Chapter 37.70B RCW, provides for no more than one open record hearing and one closed record appeal on a permit.

The open record hearing shall consist of the public hearing on the proposed development as well as any appeal hearing on a threshold determination (except for a determination of significance) or an appeal of an administrative decision. Appeals of other final decisions will be heard during a closed record hearing.

- B. Number and types of hearings for nonproject permits. Land use approvals that do not involve project permits are not subject to any limitations on the number of hearings and do not require consolidation with appeal hearings. For actions that do not involve project permits, the city may schedule as many hearings as it wishes, provided they at least conduct the minimum required hearing.
- C. Joint Public Hearing. The director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency as long as:
 - 1. The hearing is held within the city limits;
 - 2. The city acts as the lead agency on the proposed application;
 - 3. The other agency has authority to conduct joint hearings in the City of Mukilteo;
 - 4. The timing meets the requirements of this chapter or the applicant agrees to an alternate schedule;
 - 5. Sufficient notice of the hearing is given to meet each of the agencies' notice requirements;
 - 6. The other agency has received sufficient notice and the necessary information to properly prepare, advertise, and hold its hearing at the same time.
- D. Procedures. All public hearings shall generally follow the procedure described below:
 - 1. The person acting as the presiding officer will open the public hearing by:
 - a. Stating the public hearing is open; and
 - b. Describing the subject matter; and
 - c. Describing the procedures to be followed.
 - 2. Anyone wishing to speak must wait to be recognized by the presiding officer and state their name, residence location, and nature of their interest in the matter. Demonstrations of any kind are not allowed and anyone making "out of order" comments is subject to removal from the public hearing.
 - 3. Public hearings must comply with Appearance of Fairness Doctrine (RCW 42.36).

17.13.090 Decisions

- A. Timing. Permit decision must be issued within the timelines identified in 17.13.030 unless the applicant has consented to an alternate timeline. If the city is unable to issue its notice of decision within the established timeline, they should provide written notice to the applicant with the reasons for the delay and estimated decision date.
- B. Options. Permits may be approved, approved with conditions, or denied based on findings of the consistency analysis performed during project review.
- C. Effective date. Decisions are presumed valid and in effect on the date issued unless an administrative appeal is filed. The filing of any administrative appeal shall stay all development activity based on the decision granting the application until such time as the city issues a final decision on the matter. Any applicant receiving approval who engages in any activity based on the decision granting the application prior to the filing of any appeal or prior to the expiration of any administrative appeal period, does so at his/her own risk.
- D. Expiration and Extensions. An approved permit will expire and become null and void if building permit (or a grading permit consistent with MMC 15.16) is not obtained within the required time frame:
 - 1. Short Plats and Subdivisions – 5 years (with a single 1-year extension allowed)
 - 2. Type I and Type II permits not otherwise listed – 2 years (with a single 1-year extension allowed)
 - 3. Shoreline Permits – See 17B.13.160

4. All other permits – 4 years (with a single 1-year extension allowed)
- E. Minor modifications. The director may authorize minor modifications (generally changes of less than 15% for any given standard) to an approved land use development permit, provided the modifications do not add additional unmitigated impacts or affect the conditions of the original approval.

17.13.100 Appeals

- A. Timely filing.
 1. Administrative appeals. Administrative appeals must be filed at City Hall within 14 calendar days after the notice of decision. The date the notice of decision was issued does not count in the 14 days. When the last day of the appeal period falls on a Saturday, Sunday, or designated a legal holiday by RCW 1.16.050, the filing must be completed no later than 4:30pm the next business day.
 2. Judicial appeals. After all administrative appeals have been exhausted, the city's final decision may be appealed as designated in 17.13.030 by a party of record. Such petition must be filed within 21 calendar days. Land use appeals are filed pursuant to Chapter 36.70C RCW. Shoreline appeals are filed pursuant to Chapter [90.58](#) RCW.
 3. Stay. The timely filing of an appeal will stay the effective date of the decision until such time as the appeal is adjudicated by the appropriate body.
- B. Standing. Only parties of record may initiate an administrative appeal. Parties of record include: the applicant, any person who testified at the open record hearing on the application, and/or any person who submitted written comments concerning the application (excluding persons who have only signed petitions or mechanically produced form letters).
- C. Content. Appeals shall be in writing, include the city's required form(s), and be accompanied by an appeal fee as outlined in the city's most current fee resolution.
- D. Consolidation. All appeals of land use development permit application decisions shall be considered together in a consolidated appeal. Appeals of an environmental determination under SEPA, Chapter 17.84, shall proceed as provided in that chapter.
- E. Administrative appeal procedures. The hearing examiner shall establish the hearing procedures for appeals of administrative decisions, including setting the hearing date, time and location, with a pre-hearing order or similar document. The appeal shall be considered and decided within 90 days of a notice of decision for open record appeals and within 60 days of a notice of decision for closed record appeals unless the parties involved mutually agree to extend these time periods. The city shall issue a written decision of appeal within ten calendar days of the appeal body's final action to the parties of record disclosing whether the appeal is upheld or denied.

The following corresponding revisions will be needed to the shoreline code to facilitate consolidated and streamlined procedures.

Chapter 17B.13 PROCEDURES

Sections:

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- 17B.13.015 Exceptions.**
- 17B.13.020 Development exempt from substantial development permit requirements.**
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- 17B.13.040 Requirements for exempted developments.**
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- 17B.13.160 Time limits on approved permits.**
- 17B.13.170 Revisions to shoreline permits.**
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17B.13.010 Administration.

A. The planning director or designee is vested with the duty of administering the rules and regulations relating to the State Shoreline Management Act, Chapter [90.58](#) RCW (the “Act”), and the Mukilteo waterfront development and shoreline management regulations. The director shall prepare and require the use of such forms as are essential to the administration of this title.

B. This chapter includes the permit procedures for reviewing and issuing shoreline permits including shoreline substantial development permits, variances, conditional use permits, shoreline exemptions, and extensions to any of these permits or approvals.

C. All development must obtain a substantial development permit, unless the shoreline administrator determines that it qualifies for a shoreline exemption. Exempt development may still be subject to a conditional use permit or variance if the activity does not comply with the policies and regulations of the shoreline management plan or the State Shoreline Management Act. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.015 Exceptions.

A local SMP may consolidate all the Shoreline Management Act (SMA) exceptions to incorporate the Department of Ecology's recently revised rules with all applicable statutes as follows:

A. Developments not required to obtain shoreline permits or local reviews:

1. Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review to implement the Shoreline Management Act do not apply to the following:

a. Remedial actions. Pursuant to RCW [90.58.355](#), any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to Chapter [70.105D](#) RCW, or to the Department of Ecology when it conducts a remedial action under Chapter [70.105D](#) RCW.

b. Boatyard improvements to meet NPDES permit requirements. Pursuant to RCW [90.58.355](#), any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit.

c. WSDOT facility maintenance and safety improvements. Pursuant to RCW [90.58.356](#), Washington State Department of Transportation projects and activities meeting the conditions of RCW [90.58.356](#) are not required to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other local review.

d. Projects consistent with an environmental excellence program agreement pursuant to RCW [90.58.045](#).

e. Projects authorized through the Energy Facility Site Evaluation Council process, pursuant to Chapter [80.50](#) RCW.

f. Projects that only involve timber cutting as part of a forest practice, pursuant to RCW [76.09.240](#).

g. Areas and uses in those areas that are under exclusive federal jurisdiction as established through federal or state statutes are not subject to the jurisdiction of Chapter [90.58](#) RCW. (Ord. 1427 § 3 (Exh. C) (part), 2019)

17B.13.020 Development exempt from substantial development permit requirements.

- A. The actions listed in this section shall be exempt from the city's shoreline substantial development permit procedures. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemption from the substantial development permit process.
- B. An exemption from the substantial development permit process is not an exemption from compliance with the Act or the Mukilteo shoreline master program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of the Mukilteo shoreline master program and the State Shoreline Management Act.
- C. The burden of proof that a development or use is exempt from the permit process is on the applicant.
- D. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.
- E. Project Conditions. The city may attach conditions to the approval of exempted developments and/or uses as necessary to ensure consistency of the project with the State Act and the Mukilteo shoreline master program.
- F. Exemptions. The development activities listed in state law, WAC [173-27-040](#) through [173-27-045](#), including any revisions or updates, shall not require substantial development permits.
- G. A request for exemption shall be accompanied by materials adequate for the administrator to determine that the development qualifies for the stated exemption, and determine that it conforms with the protection standards of the SMP. (Ord. 1427 § 3 (Exh. C) (part), 2019: Ord. 1427 § 3 (Exh. C) (part), 2019: Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.030 Statement of exemption.

Some projects conducted on shorelines of the state also require review and approval by federal agencies. The Department of Ecology is designated as the coordinating agency for the state with regard to permits issued by the U.S. Army Corps of Engineers. The city shall follow the following procedures with regard to exempt development and is subject to federal permit review:

- A. The city shall prepare an exemption statement, addressed to the applicant and the Department of Ecology, whenever a development is determined by the city to be exempt from the substantial development permit requirements and the development is subject to one or more of the following federal permit requirements:

1. A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899. (The provisions of Section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters. Specific applicability information should be obtained from the Corps of Engineers.); or

2. A Section 404 permit under the Federal Water Pollution Control Act of 1972. (The provisions of Section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area. Specific applicability information should be obtained from the Corps of Engineers.)

B. The statement shall indicate the specific exemption provision from WAC [173-27-040](#) that is being applied to the development and provide a summary of the city's analysis of the consistency of the project with the Mukilteo master program and the Shoreline Management Act. A copy of the exemption statement shall be placed in the official city record and a copy provided to the project proponent for their records. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.040 Requirements for exempted developments.

Any development exempted from obtaining a shoreline substantial development permit shall be consistent with the policies of the Mukilteo shoreline master program, shoreline management regulations, and the State Shoreline Management Act. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.045 Request for relief from shoreline regulations if needed.

The city may grant relief from shoreline master program development standards and use regulations within urban growth areas when the following apply:

A. A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:

1. Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or
2. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable shoreline master program; and
 - a. Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent;

B. The proposed relief meets the following criteria:

1. The proposed relief is the minimum necessary to relieve the hardship;
2. After granting the proposed relief, there is net environmental benefit from the restoration project;
3. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program; and
4. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section;

C. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the Department of Ecology's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the Department of Ecology shall conduct its review when the city provides a copy of a complete application and all supporting information necessary to conduct the review.

1. Except as otherwise provided in subsection B of this section, the Department of Ecology shall provide at least twenty days' notice to parties that have indicated interest to the Department of Ecology in reviewing applications for relief under this section, and post the notice on their website.
2. The Department of Ecology shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the city if additional public notice is not required;

D. The public notice requirements of subsection (C)(1) of this section do not apply if the relevant shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC [173-26-201](#), as follows:

1. The restoration plan has been approved by the Department of Ecology under applicable shoreline master program guidelines;
2. The shoreline restoration project is specifically identified in the shoreline master program or restoration plan or is located along a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and

3. The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied;

E. A substantial development permit is not required on land within urban growth areas as defined in RCW [36.70A.030](#) that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark;

F. The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

1. “Shoreline restoration project” means a project designed to restore impaired ecological function of a shoreline.

2. “Urban growth areas” has the same meaning as defined in RCW [36.70A.030](#). (Ord. 1427 § 3 (Exh. C) (part), 2019)

17B.13.050 Shoreline conditional or special uses and variances.

A development or use that is listed as a conditional or special use pursuant to the Mukilteo shoreline master program, or is an unlisted use, must obtain a shoreline conditional use permit even though the development or use does not require a substantial development permit. When a development or use is proposed that does not comply with the bulk, dimensional and performance standards of the Mukilteo master program, such development or use can only be authorized by approval of a shoreline variance. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.060 Permit Review Process

Shoreline permits follow the procedural requirements of Chapter 17.13 for the purposes of pre-application meetings, submittal requirements, noticing requirements, and review timelines.

~~Preapplication process.~~

~~A.— At the applicant’s request, a preapplication conference shall be scheduled with representatives of the city planning, engineering, fire and building departments. The purpose of the preapplication process is for the applicant to provide city staff with the necessary information about the proposed project and site conditions so that the city can efficiently and effectively provide the applicant with the requirements that must be met in order to have the proposed project proceed through the formal review process.~~

~~B.— For the city to accurately evaluate the proposed project at the preapplication conference, the applicant shall provide at a minimum a draft site plan, preliminary grading plan, building locations,~~

identification of the ordinary high water mark if applicable, and locations of storm drainage and utility connections.

C.— It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference shall not bind or prohibit the city's future application or enforcement of all applicable laws.

D.— Applications shall only become vested once a complete application is accepted; a preapplication does not vest a project. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.070 Repealed. Development permit applications.

A.— Permit Applications. All development permit applications shall be subject to the city project review process. All shoreline development requiring a substantial development permit, conditional use permit or variance under this title shall be subject to regulations and review procedures of this title. Review of development permits shall be carried out by the city planning, engineering, building, and fire departments for consistency with the SMP and SMP development regulations.

B.— Review Process. Development permits shall be submitted on the city approved application form and shall include a supplemental application which consists of the state approved JARPA form. Project review shall follow the underlying permit review process as described in this chapter. A supplemental application is required for conditional or special uses. In addition to the other requirements of this title, a shoreline permit application shall only be approved after the project has met the requirements of Chapter [90.58](#) RCW, Shoreline Management Act of 1971, Chapter [173-27](#) WAC, the Department of Ecology's Shoreline Guidelines, the Mukilteo comprehensive plan, and the Mukilteo shoreline master program for the particular use. Depending on the application, project permit application review may be administrative or require a public hearing by a city designated official, hearing examiner, or board. In addition to the other requirements of this title, the project permit application shall only be approved after the project has met all environmental, zoning, engineering and building regulations and standards for the particular use.

C.— Fees. All applications shall be submitted with the appropriate fees as established by city council resolution. The fees are necessary to reimburse the city for costs associated with processing permits including, but not necessarily limited to, staff time, postage, legal notices, paper, duplicating costs, and mileage.

D.— Modifications to Shoreline Related Permits. Minor modifications to the approved shoreline permit may be authorized according to Section [17B.13.170](#), Revisions to shoreline permits.

E.—Conflict. Where there is a conflict between various development regulations, the most restrictive regulation shall apply. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.080 Repealed. Determination of a complete application.

A.—Determination of Completeness. Within twenty-eight calendar days after receiving a shoreline permit application, the city shall mail or personally provide a written determination of completeness to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and state what additional information is necessary to make the application complete. Once an application is complete, it shall be vested under the laws governing development.

B.—Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over project permit application shall be identified in the city's determination of completeness as required above.

C.—Additional Information. A project permit application is complete for purposes of this section when it meets the submission requirements outlined in Table 1 following this section. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken subsequent to project review. If new information is required or where there are substantial changes in the proposed action, the city's determination of completeness shall not preclude the city from requesting additional information or studies either at the time of the determination of completeness or at some later time.

D.—Incomplete Application Procedure. If the applicant received a determination of incompleteness from the city, the applicant shall have ninety calendar days to submit the necessary information to the city. Within fourteen calendar days after an applicant has submitted the requested additional information, the city shall prepare a written determination of completeness as described in the section above, and notify the applicant in the same manner.

E.—Ninety Days for Resubmittals. If the applicant does not submit the required information within the ninety-day period, the planning director shall make findings that the application has lapsed for failure to submit the necessary information in a timely manner and close the project permit application file. The planning director may grant time extensions to submit the required information, not to exceed an additional ninety calendar days.

F.—Refunds. In those situations where the application has lapsed because the applicant has failed to submit the required information within the necessary time period, or when the applicant requests their application be withdrawn, the applicant may obtain a refund of the unused portion of the application fee

by submission of a written request to the planning department if a notice of application has not been issued. Refunds will be processed in accordance with the city's normal refund practices.

G. ~~City's Failure to Provide a Determination of Completeness.~~ If, within twenty-eight calendar days of the date of the submitted application, the city has not provided a written determination of completeness, an application shall be deemed complete as outlined in this section.

TABLE 1—SUBMITTAL REQUIREMENTS

Submittal Requirements	Shoreline Substantial Permit	Shoreline Conditional or Special Use Permit	Shoreline Variance
GENERAL APPLICATION			
application form (land use)	✓	✓	✓
supplemental application form	✓	✓	✓
project narrative	✓	✓	✓
review fee(s)	✓	✓	✓
height worksheet	•	✓	•
sewer/water/PUD availability letters	✓	✓	✓
SITE/BUILDING PLANS			
site plan	✓	✓	✓
reduced site plan (max. 11 x 17)	✓	✓	✓
building construction plans	✓	•	•
building elevations/floor plans	✓	✓	✓
reduced elevations/floor plans	✓	✓	✓
landscape plan	✓	✓	•
reduced landscape	✓	✓	•

TABLE 1—SUBMITTAL REQUIREMENTS

Submittal Requirements	Shoreline Substantial Permit	Shoreline Conditional or Special Use Permit	Shoreline Variance
CIVIL/ENGINEERING DOCUMENTS			
grading and clearing plan(s)	✓	✓	✓
drainage calculations/study	✓	✓	✓
road and drainage plans	✓	▲	▲
TESCP (erosion control)	✓	✓	✓
topography	✓	✓	✓
traffic study	▲	▲	▲
water/sewer/utility plans	✓	✓	▲
ENVIRONMENTAL DOCUMENTS			
geotechnical report	▲	▲	▲
SEPA checklist	✓	✓	▲
stream class report	▲	▲	▲
wetland report	▲	▲	▲
wildlife habitat report	▲	▲	▲
habitat management plan	▲	▲	▲
archaeological survey	▲	▲	▲
OTHER			
access plan	▲	▲	▲
cost/benefit analysis	▲	▲	▲
cumulative impact analysis	▲	▲	▲
operational plan	▲	▲	▲

TABLE 1—SUBMITTAL REQUIREMENTS

Submittal Requirements	Shoreline Substantial Permit	Shoreline Conditional or Special Use Permit	Shoreline Variance
view analysis	•	•	•
BEFORE FINAL CERTIFICATE OF OCCUPANCY:			
as built s	✓	•	•
reduced as constructed plans	✓	•	•
as constructed electronic	✓	•	•
sureties and bonds	✓	•	•
Footnotes: In the codified version of this checklist, a “✓” indicates that the item is required for submittal. Where “•” appears, these items may or may not be required. Contact the Mukilteo planning staff for assistance.			

(Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.090 Repealed. Notice of application.

A.—Generally. A notice of application shall be issued on all project permits not expressly exempted by this chapter.

B.—Contents. The notice of application shall include:

- 1.—The date of the application, the date of the determination of completeness, and the date of the notice of application;
- 2.—A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under SEPA;
- 3.—Identification of other permits not included in the application, to the extent known by the city;

4.— Identification of existing environmental documents that evaluate the proposed project and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5.— A statement of the limits of the public comment period, which shall be thirty calendar days following the date of the notice of application for shoreline applications, and statements of the right of any person to comment on the application, receive notice of and participate in any hearing, request a copy of the decision once made, and any appeal rights;

6.— The date, time, place and type of hearing, if applicable and scheduled at the date of the notice of application if known;

7.— A statement of preliminary determination of consistency, if one has been made at the time of the notice of application, and of those development regulations that will be used for project mitigation and consistency;

8.— Any other information determined appropriate by the city.

C.— Time Frame of Issuance of a Notice of Application. Within fourteen calendar days after the city has made a determination of completeness on an application, the city shall issue a notice of application. If an open record predecision hearing is required for the requested project permit, the notice of application shall be provided at least fifteen calendar days prior to the open record hearing. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.100 Repealed. Public notice requirement.

A.— Noticing Requirements. All notices of application shall be noticed to the general public and property owners in the vicinity of such application by at least one of the following methods:

1.— Mailing of the notice to the latest recorded real property owners as shown by the record of the county assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;

2.— Posting of the notice in a conspicuous manner on the property upon which the project is to be undertaken;

3.— Any other manner deemed appropriate by the city to accomplish the objective of reasonable notice to adjacent landowners and the public;

4.— Notice in the city’s designated newspaper for public records. Shoreline permit notices shall be published at least once a week on the same day of the week for two consecutive weeks in the city’s designated newspaper.

B.— Agency Notification. The city shall provide notice to all agencies with jurisdiction per Chapter [43.21C](#) RCW, state environmental policy, and to all other agencies that request in writing any such notice.

C.— Public Comment on the Notice of Application. All public comments on the notice of application must be received by the planning department by four thirty p.m. on the last day of the comment period. Comments may be mailed, emailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

D.— Noticing for Noise Variances. Noise variances must be noticed with a fourteen-day appeal period. Noise exemptions do not require any notice; however, it is the city’s policy to send out courtesy notices to adjacent property owners informing them of the duration and timing of the proposed activity. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.110 Repealed. Permit review process.

A.— When the city receives a permit application, consistency between the proposed project and the applicable regulations and comprehensive plan shall be determined through the process in this section and concurrently through the city’s adopted SEPA ordinance.

B.— Consistency. A permit application shall be granted only when the development proposed is consistent with the applicable requirements of:

- 1.— The development standards contained in this title;
- 2.— The policies and procedures of the Shoreline Management Act of 1971, Chapter [90.58](#) RCW;
- 3.— The provisions of the shoreline management permit and enforcement procedures, Chapter [173-27](#) WAC; and
- 4.— The Mukilteo shoreline master program and development regulations.

C.— In the absence of applicable development regulations, the city shall determine whether the city’s adopted comprehensive plan and shoreline master program contain policies which address the unregulated impacts.

~~D.—SEPA Analysis.~~

~~1.—The city shall also review the application for compliance with the State Environmental Policy Act (SEPA), Chapter [43.21C](#) RCW, the SEPA Rules, Chapter [197-11](#) WAC, and the city's environmental policy ordinance, Chapter [17B.84](#), and shall:~~

~~a.—Determine whether the applicable regulations require studies that adequately analyze the entire project permit application's specific probable adverse environmental impacts;~~

~~b.—Determine if the applicable regulations require measures that adequately address such environmental impacts;~~

~~c.—Determine whether additional studies are required and/or whether the application should be conditioned with additional mitigation measures; and~~

~~d.—Provide prompt and coordinated review by government agencies and the public regarding compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.~~

~~2.—In its review of a shoreline permit application, the city may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.~~

~~E.—Conditions. The city may attach conditions to the approval of permits as necessary to ensure consistency of the project with the city regulations, the comprehensive plan, the Shoreline Management Act, and the Mukilteo shoreline master program. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)~~

17B.13.120 Special procedures for limited utility extension and bulkheads.

An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion shall be subject to all of the requirements of this chapter except that WAC [173-27-120](#) shall be followed for time periods and procedures. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.125 Special procedures for Washington State Department of Transportation (WSDOT) projects.

- A. Permit review time for projects on a state highway is 90 days for local governments pursuant to RCW [47.01.485](#).
- B. Projects that address significant public safety risks may begin twenty-one days after the date of filing if all components of the project will achieve no net loss of shoreline ecological functions pursuant to RCW [90.58.140](#). (Ord. 1427 § 3 (Exh. C) (part), 2019)

17B.13.130 Repealed. Review authority.

~~A.—The permit review process for project permits, as governed by the Regulatory Reform Act, Local Project Review Act, Chapter [36.70B](#) RCW, provides for no more than one open record hearing and one closed record appeal. The open record hearing shall consist of the public hearing on the proposed development as well as any appeal hearing on a threshold determination (except for a determination of significance) or an appeal of an administrative decision. Appeal of a hearing board's final decision shall be heard during a closed record hearing before a single decision-making body or officer.~~

~~B.—Table 2. Table 2 describes the open record and closed record hearing process for all permits subject to this title within the city. If any conflict arises between the hearing process described in Table 2 and other portions of the Mukilteo Municipal Code, the requirements of Table 2 shall prevail.~~

~~C.—Public Hearing Notice. All public hearings shall be advertised in the city's designated newspaper at least ten calendar days prior to the public hearing date.~~

Table 2

Permit Authority and Public Hearing Process

Type I Administrative Decision (No Hearing Required)	Type II Hearing Examiner Decision (Open Record Hearing)	Type III Planning Commission Decision (Open Record Hearing)	Type IV Planning Commission Recommendation (Open Record Hearing)	Type V City Council Decision (Administrative Open Record Hearing)
Permitted Shoreline Substantial Development Applications	Shoreline Conditional Use, Variances, and SUPs	None	None	None
Shoreline Hearings Board appeals: within twenty one days of the “date of filing” as defined in RCW 90.58.140 (6)				
All shoreline permit appeals (substantial, CU, variance, and SUP) shall be submitted to the State Shoreline Hearings Board		None	None	None

D. — Joint Public Hearing. The community development director may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action as long as: (1) the hearing is held within the city limits; (2) the requirements listed below are met; and (3) the city acts as the lead agency on the proposed application.

E. — The applicant may request that the public hearing on a project permit application be combined with other required public hearings as long as the joint hearing is held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

F. — A joint public hearing may be held with another local, state, regional, federal or other agency and the city on a project permit application as long as: (1) the other agency is not expressly prohibited by statute from doing so and has the authority to hold its public hearing in the city of Mukilteo; (2) sufficient notice of the hearing is given to meet each of the agencies’ adopted notice requirements as set forth in statute, ordinance or rule; and (3) the agency has received sufficient notice and the necessary information about the proposed project to properly prepare, advertise, and hold its hearing at the same time as the local government. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.140 Repealed. Notice of decision.

~~A.— Following the completion of the administrative review or permit hearing, the application shall be approved, approved with conditions or denied and a written notice of decision shall be issued within ten calendar days. The notice of decision shall be issued within one hundred twenty calendar days after the city notifies the applicant that the application is complete, subject to any delays permitted by law.~~

~~B.— To determine the number of days that have elapsed after the local government has notified the applicant that the project permit application is complete, the following periods shall be excluded:~~

- ~~1.— Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional information;~~
- ~~2.— Any period during which an environmental impact statement is being prepared following a determination of significance;~~
- ~~3.— Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed;~~
- ~~4.— Any extension of time mutually agreed upon by the applicant and the city.~~

~~C.— The notice of decision shall include the final determination of approval or denial of the project, a statement of any threshold determination made under SEPA, and the procedure to appeal the notice of decision. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, has requested such notice or who submitted substantive comments about the application.~~

~~D.— If the city is unable to issue its notice of decision within the one hundred twenty calendar days from the determination of completeness, it shall provide written notice to the project applicant including the reasons the time limits have not been met and an estimated date for issuance of the notice of decision.~~
(Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.150 Filing with the Department of Ecology.

A. All shoreline applications for a permit or a permit revision shall be submitted to the Department of Ecology by return receipt requested mail upon a final decision by the city. Final decision by the city shall mean the notice of decision, whether it be an approval or denial, which is established after all local administrative appeals related to the permit have concluded or the opportunity to initiate such appeals has lapsed.

B. When a substantial development permit and a conditional use or variance permit are required for a development, the submittal on the permits shall be made concurrently.

C. A complete submittal shall consist of the following documents and information:

1. A copy of the complete application pursuant to WAC [173-27-180](#);
2. Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s) as established in WAC [173-27-140](#) through [173-27-170](#);
3. The final decision of the city;
4. The permit data sheet required by WAC [173-27-190](#); and
5. Where applicable, the city shall also file the applicable documents required by Chapter [43.21C](#) RCW, the State Environmental Policy Act, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under Chapter [43.21C](#) RCW.

D. When the project has been modified in the course of the local review process, plans or text shall be provided to the Department of Ecology that clearly indicates the final approved plan.

E. Submittal of substantial development permits, conditional use permits, variances, rescissions and revisions is complete when all of the documents required pursuant to subsections C and D of this section have been received by the Department of Ecology. If the Department of Ecology determines that the submittal does not contain all of the documents and information required by this section, the Department of Ecology shall identify the deficiencies and so notify the city and the applicant in writing. The submittal and permit are void unless and until the material requested in writing is submitted to the Department of Ecology.

F. “Date of filing” of the city’s final decision involving approval or denial of a substantial development permit, or involving a denial of a variance or conditional use permit, is the date of actual receipt of a complete submittal by the Department of Ecology.

G. “Date of filing” of a permit for a conditional use or variance approved by the city, and such permits which also involve concurrent submittal by the city of a substantial development permit, is the date of transmittal of the Department of Ecology’s final decision on the variance or conditional use permit to the city and the applicant.

H. The Department of Ecology shall provide a written notice to the local government and the applicant of the “date of filing.”

I. When a permit has been appealed pursuant to RCW [90.58.180](#), upon conclusion of all review proceedings, a copy of the final order shall be provided to the city and the Department of Ecology. When the project has been modified in the course of the review proceeding, plans or text shall be provided to the city, consistent with the provisions of WAC [173-27-180](#), that clearly indicate the final approved plan, and the city shall reissue the permit accordingly and submit a copy of the reissued permit and supporting documents consistent with subsection C of this section to the Department of Ecology for completion of the file on the permit. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.160 Time limits on approved permits.

A. Shoreline Permit Applications. The following time requirements shall apply to all shoreline development permits and to any development authorized pursuant to a variance or conditional use permit.

1. Upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of the master program and the Act, the city may adopt appropriate time limits as a part of action on a substantial development permit or essential public facility with the approval of the Department of Ecology, and the city may adopt appropriate time limits as a part of action on a conditional use or variance permit. “Good cause based on the requirements and circumstances of the project” shall mean that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted, and/or are necessary for the protection of shoreline resources.

2. Where neither the city nor the Department of Ecology include specific provisions establishing time limits on a permit as a part of action on the permit, the following time limits shall apply:

- a. Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of a shoreline permit; provided, that the city may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.
- b. Authorization to conduct development activities shall terminate five years after the effective date of a shoreline permit; provided, that the city may authorize a single extension

for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

3. The effective date of a shoreline permit shall be the date of the last action required on the shoreline permit and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval. It is the responsibility of the applicant to inform the city of the pendency of other permit applications filed with agencies other than the city and of any related administrative and legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the city prior to the date established by the shoreline permit or the provisions of this section, the expiration of a permit shall be based on the shoreline permit.

4. Construction under an approved permit shall not begin and is not authorized until twenty-one days from the date of filing with the Department of Ecology, or until all review proceedings and appeal processes have been completed.

5. When permit approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity; provided, that an alternative compliance limit may be specified in the permit.

6. The city shall notify the Department of Ecology in writing of any change to the effective date of a permit, as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit other than those authorized by this section shall require a new permit application. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.170 Revisions to shoreline permits.

A. A permit revision is required whenever the applicant proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, the master program and/or the policies and provisions of Chapter [90.58](#) RCW. Changes which are not substantive in effect do not require approval of a revision. When an applicant seeks to revise a permit, local government shall request from the applicant detailed plans and text describing the proposed changes.

B. If the city determines that the proposed changes are within the scope and intent of the original permit, and are consistent with the applicable master program and the Act, the city may approve a revision. “Within the scope and intent of the original permit” means all of the following:

1. No additional over water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
2. Ground area coverage and height may be increased a maximum of ten percent from the provisions of the original permit;
3. The revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under a variance granted as the original permit or a part thereof;
4. Additional or revised landscaping is consistent with any conditions attached to the original permit and with the applicable master program;
5. The use authorized pursuant to the original permit is not changed; and
6. No adverse environmental impact will be caused by the project revision.

C. Revisions to permits may be authorized after original permit authorization has expired under WAC [173-27-100](#). The purpose of such revisions shall be limited to authorization of changes which are consistent with this section and which would not require a permit for the development or change proposed under the terms of Chapter [90.58](#) RCW, this regulation and the local master program. If the proposed change constitutes substantial development then a new permit is required, provided this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

D. If the sum of the revision and any previously approved revisions violate the provisions of this section, local government shall require that the applicant apply for a new permit.

E. The revision approval, including the revised site plans and text consistent with the provisions of WAC [173-27-180](#) as necessary to clearly indicate the authorized changes, and the final ruling on consistency with this section shall be filed with the Department of Ecology. In addition, the city shall notify parties of record of their action.

F. If the revision to the original permit involves a conditional use or variance, the city shall submit the revision to the Department of Ecology for approval, approval with conditions, or denial, and shall indicate that the revision is being submitted under the requirements of this subsection. The Department of Ecology shall render and transmit to the city and the applicant its final decision within fifteen days of the date of Ecology's receipt of the submittal from the city. The city shall then notify parties of record of Ecology's final decision.

G. The revised permit is effective immediately upon final decision by the city or upon final action by the Department of Ecology. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)

17B.13.180 Appeals of shoreline permits.

Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW [90.58.140](#) may seek review from the shorelines hearings board by filing a petition for review within twenty-one days of the date of filing as defined in Chapter [90.58](#) RCW. (Ord. 1427 § 3 (Exh. C) (part), 2019; Ord. 1295 § 10 (Exh. 1B) (part), 2011)